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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/917,019      | 07/25/2001  | Ira J. Simon         | 10384               | 9665             |

7590 06/26/2002

David Weiss  
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Los Angeles, CA 90041-1040

EXAMINER

GALL, LLOYD A

ART UNIT PAPER NUMBER

3676

DATE MAILED: 06/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |              |
|------------------------------|-----------------|--------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s) |
|                              | 09/917,019      | SIMON ET AL. |
|                              | Examiner        | Art Unit     |
|                              | Lloyd A. Gall   | 3676         |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 February 2002.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-38 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 and 13-38 is/are rejected.

7) Claim(s) 9-12 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 7/25/01 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

### DETAILED ACTION

The disclosure is objected to because of the following informalities: On page 15, line 4, "120" should read --122--. On page 15, line 2, "six" is misspelled. On page 25, line 4, --be—should follow "may".

Appropriate correction is required.

The drawings are objected to because reference numerals 112 (pg. 14, line 10), 70 (pg. 15, line 10) and 158 (pg. 19, line 18) are not shown. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 18 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, line 2, "openings" should read --opening--. In claim 18, line 2, "lock cylinder" should read --cylinder lock--. In claim 30, line 2, there is no antecedent basis for "said bored lock cylinder" (claim 30 apparently should depend from claim 29), and "lock cylinder" should read --cylinder lock--.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Best et al (110).

Best et al (110) teaches cylindrical (30) lock assembly including a latchbolt 10, lock body 15, retractor 24, spindle (the portion of knob 17 which engages the pins 34), a handle 17, a cylinder lock 16 including a housing 39, a cam 34, 30, 29 for unlatching the latchbolt, a key for insertion into what may be regarded as a mortise lock cylinder, a door trim plate 41, an attachment plate 40, wherein the trim plate 41 may be pulled with the key inserted and rotated within the lock.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best et al (110) in view of Roy (217).

Roy teaches a pull plate extension 32. To modify the trim 41 of Best et al (110) to include a pull plate extension, would have been obvious in view of the teaching of Roy, to simplify opening of the door upon key unlocking rotation.

Claims 6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best et al (110) in view of the Photograph of door pull manufactured by Triangle Brass

Manufacturing. To modify the trim 41 of Best et al to include a tapering door pull, would have been obvious in view of the teaching of the Photograph.

Claims 7, 8, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best et al (110) in view of Shen (760) or Berger et al (975). Shen teaches trim and attachment plates 11, 12 adapting a lock 30 for removal capabilities, as does Berger et al 24, 40 teach trim and attachment plates allowing lock 30 removal. To modify the trim and attachment plates 40, 41 of Best et al such that the lock is adapted to be removed, would have been obvious in view of the teaching of either Shen or Berger et al, to allow a re-keyed lock to be substituted, as is well known in the lock art.

Claims 13, 14, 25, 26, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best et al (110) in view of Storlie et al.

Storlie et al teaches multiple notches 36, 38 used with a lock 46 and a handle to allow the handle to be locked in its bolt latched and unlatched positions. To modify the lock of Best et al to include such a hold-back apparatus with a handle and lock in the handle, would have been obvious in view of the teaching of Storlie et al, to allow the door to remain in an unlatched position, for an emergency situation.

Claims 15-18 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best et al (110) in view of Foshee (691) and Storlie et al. Foshee teaches a notch 58 in a chassis plate 34 used with a notch 59 in a spindle for cooperation with a radial member 56 carried by the spindle, and a rotational-to-translational motion mechanism 53, 55. Storlie et al has been discussed above. To

substitute a handle cooperable with alignable notches and a radial member used for locking the handle in bolt latched and unlatched positions, would have been obvious in view of the respective teachings of Foshee and Storlie et al, to allow the handle to be kept locked in a bolt unlatched position, for an emergency situtation.

Claims 35, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foshee (691) in view of Storlie et al.

Both references have been discussed above. To modify the handle lock assembly of Foshee to include a second set of notches to lock the handle in a bolt unlatched or latched condition, would have been obvious in view of the teaching of Storlie et al, for the reason outlined above.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Foshee reference as applied to claim 35 above, and further in view of either Storlie et al or Kester et al.

To modify the handle of Foshee to include a lever, would have been obvious in view of the teaching of either Storlie et al or Kester et al, since either type would function just as well.

Claims 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant should also note that the crossed-out reference on the OTO-1449 form has not been considered, since a copy thereof was not received.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

LG LG  
June 20, 2002

  
Lloyd A. Gall  
Primary Examiner

**Attachment for PTO-948 (Rev. 03/01 or earlier)**  
6/18/01

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities ~ 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTO-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.